

Version with Markings to Show Changes Made

1 26 (amended). An oscillatory amusement ride, which comprises:

2 a housing having a bore, a closed first end containing an aperture, a second end,
3 and a side;

4 a piston slidably mounted within the bore;

5 a holder for a participant;

6 a cable that exits said housing through the aperture in the closed first end of said
7 housing and re-enters said housing through the second end of said housing, said cable
8 being attached to said piston within said [second] housing; and

9 a means for transferring force between said cable associated with said [second]
10 housing and said holder [passing through the aperture in the closed first end of said
11 second housing], wherein said housing is capable of retaining a compressed fluid
12 between the closed first end and the piston for at least one oscillation of the piston.

Please, amend claim 32 to read as follows:

1 32 (amended). The oscillatory amusement ride as recited in claim 27, further comprising:

2 a second housing having a bore, a closed first end containing an aperture, a
3 A2 second end, and a side;

4 a piston slidably mounted within the bore of said second housing;

5 a cable that exits said second housing through the aperture in the closed first end
6 of said second housing and re-enters said second housing through the second end of said
7 second housing, said cable being attached to said piston within said second housing; and

8 a means for transferring force between said cable associated with said second
9 housing and said holder, wherein said second housing is capable of retaining a
10 compressed fluid between the closed first end of said second housing and the piston
11 within said second housing for at least one oscillation of the piston within said second
12 housing and wherein said second housing contains an aperture in the side of said second
13 housing communicating with the atmosphere and with the bore of said second housing.

Version with Markings to Show Changes Made

1 32 (amended). The oscillatory amusement ride as recited in claim 27, further comprising:

2 a second housing having a bore, a closed first end containing an aperture, a
3 second end, and a side;

4 a piston slidably mounted within the bore of said second housing;

5 a cable that exits said second housing through the aperture in the closed first end
6 of said second housing and re-enters said second housing through the second end of said
7 second housing, said cable being attached to said piston within said second housing; and

8 a means for transferring force between said cable associated with said second
9 housing and said holder [passing through the aperture in the closed first end of said
10 second housing], wherein said second housing is capable of retaining a compressed fluid
11 between the closed first end of said second housing and the piston within said second
12 housing for at least one oscillation of the piston within said second housing and wherein
13 said second housing contains an aperture in the side of said second housing
14 communicating with the atmosphere and with the bore of said second housing.

Please, amend claim 34 to read as follows:

34 (amended). The oscillatory amusement ride as recited in claim 29, further comprising:

A3 a second housing having a bore, a closed first end containing an aperture, a second end, and a side;

a piston slidably mounted within the bore of said second housing;

a means for transferring force between said piston within said second housing and said holder passing through the aperture in the closed first end of said second housing, wherein said second housing is capable of retaining a compressed fluid between the closed first end of said second housing and the piston within said second housing for at least one oscillation of the piston within said second housing and wherein said second housing contains an aperture in the side of said second housing communicating with the atmosphere and with the bore of said second housing;

a fluid supply valve between said piston within the bore of said second housing and the first end of said second housing; and

a separate supply valve located between the piston within the bore of said second housing and the first end of said second housing.

Version with Markings to Show Changes Made

1 34 (amended). The oscillatory amusement ride as recited in claim 29, further comprising:

2 a second housing having a bore, a closed first end containing an aperture, a
3 second end, and a side;

4 a piston slidably mounted within the bore of said second housing;

5 [a cable that exits said second housing through the aperture in the closed first end
6 of said second housing and re-enters said second housing through the second end of said
7 second housing, said cable being attached to said piston within said second housing;

8 a means for transferring force between said cable associated with said second
9 housing and said holder; and]

10 a means for transferring force between said piston within said second housing and
11 said holder passing through the aperture in the closed first end of said second housing,
12 wherein said second housing is capable of retaining a compressed fluid between the
13 closed first end of said second housing and the piston within said second housing for at
14 least one oscillation of the piston within said second housing and wherein said second
15 housing contains an aperture in the side of said second housing communicating with the
16 atmosphere and with the bore of said second housing;

17 a fluid supply valve between said piston within the bore of said second housing
18 and the first end of said second housing; and

19 a separate supply valve located between the piston within the bore of said second
20 housing and the first end of said second housing.

Please, amend claim 43 to read as follows:

1 43 (amended). The oscillatory amusement ride as recited in claim 40, further comprising:
2 AH a second housing having a bore, a closed first end containing an aperture, a
3 second end, and a side;
4 a piston slidably mounted within the bore of said second housing;
5 a cable that exits said second housing through the aperture in the closed first end
6 of said second housing and re-enters said second housing through the second end of said
7 second housing, said cable being attached to said piston within said second housing;
8 a means for transferring force between said cable associated with said second housing
9 and said holder, wherein said second housing is capable of retaining a compressed fluid
10 between the closed first end of said second housing and the piston within said second
11 housing for at least one oscillation of the piston within said second housing; and
12 a valve in the side of said second housing communicating with the atmosphere
13 and with the bore of said second housing.

Version with Markings to Show Changes Made

1 43 (amended). The oscillatory amusement ride as recited in claim 40, further comprising:

2 a second housing having a bore, a closed first end containing an aperture, a
3 second end, and a side;

4 a piston slidably mounted within the bore of said second housing;

5 a cable that exits said second housing through the aperture in the closed first end
6 of said second housing and re-enters said second housing through the second end of said
7 second housing, said cable being attached to said piston within said second housing;

8 a means for transferring force between said cable associated with said second
9 housing and said holder [passing through the aperture in the closed first end of said
10 second housing], wherein said second housing is capable of retaining a compressed fluid
11 between the closed first end of said second housing and the piston within said second
12 housing for at least one oscillation of the piston within said second housing; and

13 a valve in the side of said second housing communicating with the atmosphere
14 and with the bore of said second housing.

REMARKS

Drawings

Applicant observed that Figure 3 did not have the proper reference signs. Figure 3 has, thus, been appropriately amended. Antecedent basis for the amendments are found on line 7 of page 9 through line 6 on page 10 of the present Application, which state:

In either embodiment, when the housing **1** is below the position from which the participant initially begins his or her descent, a pulley **20** is employed to change the direction of force exerted by the piston **3**. In the first embodiment, the cable **6** goes across this pulley **20**; in the second embodiment, the second cable **16** goes across this pulley **20**.

Preferably, but not necessarily, as seen in Figure 3, the Oscillatory Amusement Ride utilizes a single holder **9** but two housings **1**, each having all the components described above with respect to the ride, except, as stated, for the holder **9**.

Preferably, but not necessarily, as depicted in Figure 4, the fluid for each housing **1** is supplied from a common source **21** which can be any source that is well known in the art, such as a tank or a compressor. A separate line **22** goes to each housing **1** and contains a blocking valve **23**.

In the unlikely event that an uncontrolled leak of fluid should arise in a housing **1** between the piston **3** and the first end **4** of the housing **1** the retarding force of the fluid would be less; so , the cable **6** would move more rapidly. A sensor **24** is preferably, but not necessarily, employed to indicate the loss of pressure caused by the escaping fluid. Preferably, but not necessarily, this is done by having a sensor **24** that measures the speed of the pulley **20** associated with each housing **1**, when the housings **1** are located below the position from which the participant initially begins his or her descent.

When the pressure difference between the two housings **1** exceeds a predetermined range, a computer or microprocessor **25** in communication with the sensor **24** and with the blocking valves **23** will cause the line **22** to the housing **1** leaking fluid to close so that the non-leaking housing **1** will not lose fluid and will decelerate the participant.

As indicated previously, preferably, but not necessarily, the participant jumps or falls from a movable platform **26**. The platform **26** can be moved by

any means that is well known in the art, such as pneumatics, hydraulics, or an electrical or gas-powered motor. If desired, it could be balanced so that it is normally away from the jump position and must be moved into position.

Preferably, but not necessarily, a sensor **27** in communication with the computer or microprocessor **25** detects whether the platform **26** has been moved from the jump position. The computer or microprocessor **25** is in communication with the fluid supply valve **10** and will not allow additional fluid to be injected into a housing **1** until the platform **26** has been moved away from the jump position. This is intended to preclude a participant from being accelerated upward into the platform **26**.

Claim Rejections

35 U.S.C. § 112

The Examiner states:

Claims 26-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26, lines 8-11, the limitation “said second housing” lacks antecedent basis. Also, the limitation “said holder passing the aperture in the closed first end” is confusing because the passing support or holder (2) does not physically pass through the aperture, only the cable does. Amendment and/or clarification are required.

Claims 32, 33, 43, 44, it was not clear whether the limitation “a second housing” is same as “said second housing” as set forth in the independent claim 26.

Applicant has determined that errors in Claims 26, 32, 34, and 43 most likely led to the Examiner’s comments.

Claim 26 covers the basic amusement ride having a continuous cable in one housing. This is primarily described in line 23 on page 8 through line 2 on page 9 of the present Application:

In an alternate embodiment, which is shown in Figure 2, the cable 6 is continuous. As described above, in this embodiment, the cable 6 exits the housing 1 through the aperture 5 in the closed first end 4 of the housing 1; re-enters the housing 1 either through the open second end 11 of the housing 1 or, if the second end 11 is closed, through an aperture 14 in the second end 11; and is attached to the piston 3. With this embodiment, a first end 15 of a second cable 16 is attached to the cable 6 outside the housing 1. A second end 17 of this second cable 16 is connected to the holder 9. In order to reduce friction, a pulley 18 is located outside the housing 1 near the first end 4 of the housing 1; and another pulley 19 is placed outside the housing 1 near the second end 11 of the housing 1. The cable 6 passes around the pulleys 18, 19.

It is, therefore, apparent that there is no second housing, only a housing, and that the means for transferring force between the cable 6 and the holder 9 disclosed in the Description of the Preferred Embodiment is the second cable 16, which does not pass through the aperture 5 in the closed first end 4 of the housing 1. Claim 26 has, therefore, been amended accordingly.

Claim 32 covers an embodiment having a housing and a second housing of the embodiment covered by Claim 26 plus an aperture 12 in a side 13 of each housing 1. This is described in lines 21 on page 8 through line 2 on page 9 and line 7 through line 9 on page 9 of the present Application:

Also as discussed above, preferably, but not necessarily, an aperture or valve 12 communicating with the atmosphere and with the bore 2 is in a side 13 of the housing 1.

In an alternate embodiment, which is shown in Figure 2, the cable 6 is continuous. As described above, in this embodiment, the cable 6 exits the housing 1 through the aperture 5 in the closed first end 4 of the housing 1; re-enters the housing 1 either through the open second end 11 of the housing 1 or, if the second end 11 is closed, through an aperture 14 in the second end 11; and is attached to the piston 3. With this embodiment, a first end 15 of a second cable 16 is attached to the cable 6 outside the housing 1. A second end 17 of this second cable 16 is connected to the holder 9. In order to reduce friction, a pulley 18 is located outside the housing 1 near the first end 4 of the housing 1; and another pulley 19 is placed outside the housing 1 near the second end 11 of the housing 1. The cable 6 passes around the pulleys 18, 19.

Preferably, but not necessarily, as seen in Figure 3, the Oscillatory Amusement Ride utilizes a single holder 9 but two housings 1, each having all the components described above with respect to the ride, except, as stated, for the holder 9.

Hence, the means for transferring force between the cable 6 associated with the second housing 1 and the holder 9 is the second cable 16, which does not pass through the aperture 5 in the closed first end 4 of the second housing 1. Claim 32 has, therefore, been amended accordingly.

Claim 34 covers the same embodiment as Claim 32 except that each housing 1 also has a fluid supply valve 10 and a separate supply valve 28. In addition to the lines of the present Application quoted with reference to Claim 32, the embodiment of Claim 34 is described in lines 8 through 19 on page 8 and lines 7 through 13 on page 10 of the present Application:

As mentioned above, the housing 1 is capable of substantially retaining a compressed fluid between the closed first end 4 and the piston 3 for at least one oscillation of the piston 3. A compressible fluid, preferably—but not necessarily—a gas and most preferably—but not necessarily—air, is introduced through a fluid supply valve 10 between the piston 3 and the closed first end 4 of the housing 1. Of course, if the fluid is air, the fluid supply valve 10 is not necessary, since, during the interval between operation of the ride, air would slowly but sufficiently enter the bore 2 through the aperture 5. The terminology “closed” with respect to the first end 4 of the housing 1 means, in this document, that such air can leak into the housing 1 but that fluid cannot escape rapidly enough from the first end 4 of said housing 1 substantially to impair the braking action of the fluid upon the piston 3, *i.e.*, as stated earlier in this paragraph, the housing 1 is capable of retaining a compressed fluid between the closed first end 4 and the piston 3 for at least one oscillation of the piston 3.

...

If desired, fluid can be injected by the fluid supply valve 10 or a separate supply valve 28, located between the piston 3 and the first end 4 of the housing 1, slowly into the bore 2 of the housing 1 to raise a participant to the platform 26 prior to the participant's jumping or falling from the platform 26. Alternatively, the participant could be so raised; and then the fluid supply valve 10 or separate supply valve 28 could permit the fluid between the piston 3 and the first end 4 of the housing 1 to escape so that the participant would fall without ever being on a platform 26.

Claim 34, thus, contained a redundancy. The “means for transferring force between said piston within said second housing and said holder passing through the aperture in the closed first end of said second housing” includes both the “cable that exits said second housing through the aperture in the closed first end of said second housing and re-enters said second housing through the second end of said second housing, said cable being attached to said piston within said second housing” and the “means for transferring force between said cable associated with said second housing and said holder.” Therefore, this redundancy was removed by eliminating the latter two phrases from the claim.

Claim 43 covers the same embodiment as Claim 32 except that the embodiment of Claim 43 uses a valve **12** instead of an aperture **12** in a side **13** of the housing **1**. The antecedent basis for this distinction is found in lines 21 through 22 on page 8 of the present application:

Also as discussed above, preferably, but not necessarily, an aperture or valve **12** communicating with the atmosphere and with the bore **2** is in a side **13** of the housing **1**.

Claim 43 has, therefore, been amended accordingly.

Thus, Claim 26 does not contain a second housing. The second housing of Claim 32 is introduced in Claim 32. The second housing of Claim 33 is the second housing introduced in Claim 32. The second housing of Claim 43 is introduced in Claim 43. And the second housing of Claim 44 is the second housing introduced in Claim 43.

35 U.S.C. § 102

The Examiner continues:

Claims 1, 2, 15, 26, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Spieldiener et al. U.S. Patent 6,001,022.

Spieldiener et al disclosed an amusement ride comprising a housing (3) with a bore, a closed first end (top) containing an aperture (aperture for cable outlet), a second end (bottom), and a side (4), a piston (5) slidably mounted within the bore, a holder (2) having a platform which could be interpreted as a movable platform, a cable (16) that exits through the aperture in the closed first end (top) and re-enters the housing through the second end (bottom) and being attached to the piston, means (7) for transferring force between the cable associated with the housing and the cable (2) passing through, at least one aperture (9, 10, 11, 12) in the side of the housing communicating with the atmosphere and with the bore of the housing.

Applicant concedes that Spieldiener (United States patent no. 6,001,022) includes all the elements of Claims 1, 2, 15, 26, and 27. However, the critical feature of these claims is that they apply to embodiments which cover the oscillatory ride without an injection valve for high-pressure compressed fluid, indeed, without any injection valve.

Lines 2 through 4 and 15 through 21 on page 4 of the present Application provide:

The present invention employs the force of a downward moving participant to provide the initial power to accelerate and decelerate the participant in an oscillatory manner without the need for a resilient band or bungee cord.

...

As a participant jumps or falls and thereby allows his or her body to be pulled downward by gravity, the piston is pulled toward the first end of the housing, compressing fluid therein. Eventually the compression of the fluid will stop the downward motion of the housing. Momentum, however, causes the piston to compress the fluid more than is necessary to stop the participant. Therefore, when this momentum is overcome, the fluid is compressed to such an extent that it expands with sufficient force to accelerate the piston away from the first end of the housing and to accelerate the participant upward.

Spieldiener et al., on the contrary, require valves to inject high-pressure compressed fluid.

On lines 7 through 9 and 14 through 15 of column 4, Spieldiener et al. provide:

At the top and bottom ends, the cylinder or cylinder 3 have fluid inlets 9 for the compressible fluid, which is fed in from a reservoir not shown under high pressure. . . . The fluid inlets 9 are designed as controllable valves, which can be opened and closed.

Furthermore, in lines 39 through 42 of column 5, Spieldiener et al. indicate:

The passenger carrier or passenger carriers **2** is/are shot upward by the cylinder arrangement **3** from the first operating position or resting lposition after the passengers have gotten on board.

Significantly, § 2131 in the Manual of Patent Examining Procedure declares, in pertinent part:

“ . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). . . .

The device of Spieldiener et al. is not identical to the present invention. In fact, Spieldiener et al. teach away from the present invention by indicating that a compressed fluid must injected into the cylinder under high pressure in order to “shoot” the passenger carrier upward.

The claims under current consideration do not include an element for injecting high-pressure fluid. The cover an oscillating ride which Applicant recognized could function successfully without an injection valve, let alone a high-pressure injection valve.

The claims of the present Application other than Claims 1, 2, 7, 8, 15, 18, 19, 26, 27, 32, 33, 40, 47, and 48 do include a fluid supply valve **10**, a separate supply valve **28**, or both. These two valves are, however, distinguishable from the fluid inlets **9** of Spieldiener et al. because they are designed to admit fluid at a pressure and rate that will not “shoot” the holder **9** upward.

The fluid supply valve **10** simply introduces the fluid so that the desired oscillating action can be achieved through the falling of a participant.

Lines 8 through 19 on page 8 of the present Application explain:

As mentioned above, the housing **1** is capable of substantially retaining a compressed fluid between the closed first end **4** and the piston **3** for at least one

oscillation of the piston 3. A compressible fluid, preferably—but not necessarily—a gas and most preferably—but not necessarily—air, is introduced through a fluid supply valve 10 between the piston 3 and the closed first end 4 of the housing 1. Of course, if the fluid is air, the fluid supply valve 10 is not necessary, since, during the interval between operation of the ride, air would slowly but sufficiently enter the bore 2 through the aperture 5. The terminology “closed” with respect to the first end 4 of the housing 1 means, in this document, that such air can leak into the housing 1 but that fluid cannot escape rapidly enough from the first end 4 of said housing 1 substantially to impair the braking action of the fluid upon the piston 3, *i.e.*, as stated earlier in this paragraph, the housing 1 is capable of retaining a compressed fluid between the closed first end 4 and the piston 3 for at least one oscillation of the piston 3.

And line 15 through 25 on page 4 of the present Application further clarify this:

As a participant jumps or falls and thereby allows his or her body to be pulled downward by gravity, the piston is pulled toward the first end of the housing, compressing fluid therein. Eventually the compression of the fluid will stop the downward motion of the housing. Momentum, however, causes the piston to compress the fluid more than is necessary to stop the participant. Therefore, when this momentum is overcome, the fluid is compressed to such an extent that it expands with sufficient force to accelerate the piston away from the first end of the housing and to accelerate the participant upward.

If desired, additional fluid can be introduced into the bore of the housing to cause an even greater acceleration of the participant. If sufficient fluid is introduced, the participant is raised beyond the position from which the participant initially began his or her descent.

The second paragraph of the immediately preceding quotation discusses the function of the separate supply valve 28, as also do lines 7 through 13 on page 10 of the present Application:

If desired, fluid can be injected by the fluid supply valve 10 or a separate supply valve 28, located between the piston 3 and the first end 4 of the housing 1, slowly into the bore 2 of the housing 1 to raise a participant to the platform 26 prior to the participant's jumping or falling from the platform 26. Alternatively, the participant could be so raised; and then the fluid supply valve 10 or separate supply valve 28 could permit the fluid between the piston 3 and the first end 4 of the housing 1 to escape so that the participant would fall without ever being on a platform 26.

In one case, the injection of additional fluid simply allows the participant to bounce higher; in the other, the fluid is introduced slowly to raise the participant. Neither of these is the

introduction of high-pressure compressed fluid to “shoot” the participant upward as contemplated by Spieldiener et al.

Consequently, Applicant respectfully submits that all of Claims 1 through 50 are patentably distinguishable from Spieldiener et al.

Furthermore, lines 26 through 29 on page 5 of the present Application and lines 25 through 29 on page 9 of the present Application explain what a movable platform is:

Preferably, but not necessarily, the participant jumps or falls from a movable platform. The platform can be moved by any means that is well known in the art, such as pneumatics, hydraulics, or an electrical or gas-powered motor. If desired, it could be balanced so that it is normally away from the jump position and must be moved into position.

...

As indicated previously, preferably, but not necessarily, the participant jumps or falls from a movable platform 26. The platform 26 can be moved by any means that is well known in the art, such as pneumatics, hydraulics, or an electrical or gas-powered motor. If desired, it could be balanced so that it is normally away from the jump position and must be moved into position.

The passenger carrier 2 of Spieldiener et al. is analogous to the holder 9 of the present Application. If a participant were to jump from the passenger carrier 2 of Spieldiener et al., such participant would be unrestrained and fall to the ground, suffering serious injuries or even death.

Thus, Spieldiener et al. contains no movable platform, independently rendering, Applicant respectfully suggests, all claims in the present Application containing a movable carrier patentably distinguishable from Spieldiener et al. These claims are Claims 10 through 13, 21 through 24, 35 through 38, and 46 through 49.

35 U.S.C. § 103

The Examiner then says:

Claims 3-7, 9, 10, 16-18, 20, 21, 28-32, 34, 35, 40-43, 45, 46, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable of Spieldiener et al.

Regarding claims 3-7, 15-17, 28-31, 40-42, it is noted that Spieldiener et al failed to specifically teach a fluid valve between the piston and the first end, and a separate supply valve located between the piston and the first as set forth in these claims. However, Spieldiener et al indicated that the valve (18) may be located next to the fluid inlets (9) at the upper and lower ends of the housing (see column 4, lines 20-22). Accordingly, it is conceivable that the valves could be placed between the piston and the first end of the housing, and since there are several fluid outlets located throughout the housing, it would have been a matter of design and within the teachings of Spieldiener that a separate valve could be located between piston and the first end.

As explained above, both the fluid supply valve **10** and the separate supply valve **28** of the present Application are used to introduce fluid into the housing **1**. On the contrary, the discharge valves **18** and the fluid outlets **10** of Spieldiener perform the opposite function, *i.e.*, they remove fluid from the housing.

Lines 20 through 24 in column 4 of Spieldiener et al. state:

One or more small, controllable discharge valves **18** may be located next to the fluid inlets **9** at the upper and lower ends of the cylinder. Relatively small amounts of the compressible fluid can be released via the discharge valves **18**, which may also happen for a short period of time or briefly.

And lines 63 through 66 in column 5 of Spieldiener et al. explain:

. . . The piston **5** moving downward pushes out the fluid volume located under it during its movement first through the upper air outlet **10** and then, after passing beyond it, through the lower fluid outlet **11**. . . .

And in the case of *In re Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430, 2002 U.S. App. LEXIS 855 (Fed. Cir. January 18, 2002), the United States Court of Appeals for the Federal Circuit declared, "The factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of record." The Court indicated that when the United States

Patent and Trademark Office relies on what it asserts to be general knowledge to negate patentability, that knowledge must be articulated and placed on the record.

The Court, moreover, had previously, in *Dow Chemical Co. v. American Cyanamid Co.*, 816 F.2d 617, 622, 2 U.S.P.Q.2d 1350, 1355 (Fed. Cir. 1987) and in *Yamanouchi Pharmaceutical Co. Ltd. V. Marsam Pharmaceuticals, Inc.*, 231 F.3d 1339, 56 U.S.P.Q.2d 1641 (Fed. Cir.), *reh'g denied*, 2000 U.S. App. LEXIS 34047 (2000), indicated that prior art relied upon for a rejection, plus general knowledge in the art at the time of the invention, must contain some motivation for the skilled artisan to modify or combine references; the motivation for such modification or combination cannot be based upon an applicant's specification.

Applicant respectfully submits that nothing in Spieldienr et al. would cause one of ordinary skill in the art to locate a valve where a valve performing the opposite function had been located.

Thus, Applicant respectfully believes that Claims 3-7, 15-17, 28-31, and 40-42 are patentable and not unpatentable over Spieldiener et al.

Finally, the Examiner states:

Regarding claims 9, 18, 20, 32, 34, 43, 45, it is noted that Spieldiener et al failed to specifically teach a second housing with all of the structural features as set forth therein. However, since there is no direct connection between the first housing and the second housing claimed, the second housing is simply interpreted as a multiplication of the same part. Accordingly, it would have been a matter of design choice to provide more than one amusement ride in the same amusement park.

Applicant respectfully must indicate that there is a direct connection between the first housing and the second housing in each claim containing a second housing. Each such housing 1 and each such second housing 1 is connected to holder 9. The piston 3 in each housing 1 and

second housing 1 is connected to the holder either with the cable 6 or with a combination of the cable 6 and a second cable 16.

Applicant respectfully requests the Examiner to allow claims 1 through 50.

Because Applicant respectfully feels that all claims are patentable, Applicant has not yet taken advantage of the Examiner's gracious suggestion that claims 8, 11 through 14, 19, 22 through 25,, 33, 36 through 39, 44, and 47 through 59 could be rewritten and allowed.

DATED this 19th day of March, 2003.

Respectfully,

Stanley J. Checketts

By Thompson E. Fehr
Thompson E. Fehr
Attorney
Registration No. 31353
(801) 393-6292

Attorney's Address:

Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403